

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RENATA ANNA PIATEK, an individual,

Plaintiff,

v.

MAGDALENA J. SIUDY, an individual,

Defendant.

Case No. C07-5132RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Plaintiff's Motion to Compel Defendant Magdalena Siudy to Respond to Discovery Requests and Produce Initial Disclosures [Dkt. #10].

Having considered the entirety of the records and file herein, the Court finds and rules as follows:

This case involves a property dispute stemming from a divorce action litigated in Poland between plaintiff and her ex-husband, Stan Piatek. Plaintiff seeks to regain property allegedly purchased by Stan Piatek with community funds and titled in defendant's name. Plaintiff asks this Court to compel defendant to provide initial disclosures (due June 11, 2007) and to answer interrogatories and requests for production served on May 18, 2007. In opposition to the motion defendant's counsel states:

Plaintiff's Motion should be denied because defendant, Magdelana [sic] Siudy, is bed-ridden in the midst of a very difficult pregnancy scheduled to last until the first week of September. She is in no condition to participate in this lawsuit. Ms. Siudy's poor health, combined with her lack of English, have prevented her own legal counsel from speaking with her about her case and prevented her from producing initial disclosures and responding to outstanding discovery.

(Defendant's Memorandum in Opposition to Plaintiff's Motion to Compel, p.1, Dkt. #12). According to defendant's counsel, he has not communicated at all with the defendant about this case, and has relied on Stan Piatek for information about the case. (Declaration of Daniel P. Harris, ¶2-3, Dkt. #12; see also Declaration of Stan W. Piatek, Dkt. #12). Counsel requests a two-month stay to allow defendant to recover from her difficult pregnancy and to allow him to prepare to defend this matter.

Not surprisingly, plaintiff objects to any stay. She points out that the complaint was filed in January 2007, that defendant removed it to this Court thereafter and filed an answer on May 3, 2007, and that the initial disclosures were due on June 11, 2007. Plaintiff also makes some not so veiled allegations that Stan Piatek is lying to the Court about the defendant's condition. By implication, plaintiff is also alleging that defendant's counsel is not being truthful with the Court.

The Court chooses to take Mr. Harris at his word as an officer of the Court that the defendant is unable at this time to assist in the defense of this lawsuit. The Court will **GRANT** plaintiff's motion to compel; however, the Court will set the date for providing initial disclosures and responding to discovery requests for October 1, 2007, in order to accommodate the defendant's condition. The Court is fully aware of the Scheduling Order [Dkt. #9] entered in this case and will adjust those dates if the need arises.

The Court expects attorneys who practice before it to strive for the highest degree of professionalism. Counsel for both parties are encouraged to review the *American College of Trial Lawyers: Code of Pretrial Conduct and Code of Trial Conduct*, at [www.actl.com](http://www.actl.com).

**IT IS SO ORDERED.**

The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing pro se.

Dated this 17<sup>th</sup> day of August, 2007.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE